

## REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-3, 5, and 48-60 are pending. Claims 1-3, 5, and 48-60 stand rejected

Claims 2, 49, 53, 54, 55, and 58 have been amended. No claims have been cancelled.

No claims have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

### Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 2, 55 and 58 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has stated that

The claims recite a “C1 power state”, which is an industry standard. Since the industry standards are subject to change and/or revision over a period of time, the recitation of the industry standard in a claim, makes the claim vague and indefinite.

(p. 2, Office Action 110404)

Applicant here has amended claims 2, 55 and 58 to overcome the Examiner’s rejection under 35 U.S.C. § 112, second paragraph.

### Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 5 and 48-60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,714,870 of Dunstan (“Dunstan”).

Applicant respectfully disagrees. Applicant claims a method that includes reading a time of exiting a reduced power consumption state prior to an execution of an interrupt routine, and storing the time of exiting the reduced power consumption state in a register, as recited in claim 1.

Dunstan discloses a completely different method than claimed by Applicant. Dunstan discloses measuring power consumed by an electronic device while the electronic device is in a suspended mode by comparing the charge capacity of a battery before and after the electronic device is suspended. Dunstan, in contrast, discloses reading a time of exiting the suspended mode after the electronic device exits the suspended mode, i.e. after the execution of interrupt routine. Dunstan discloses

...determining a second charge capacity value from the electrical energy storage unit and a second time value from the clock after the electronic device exits the period of reduced-power operation...

(Dunstan, Column 8, Lines 61-64) (emphasis added)

More specifically, Dunstan discloses

In the case of an application or ring three driver, power consumption monitor 4 is able to detect commencement of a suspended condition of host 1 by intercepting a PBT.sub.--APMSUSPEND message, and is able to detect termination of the suspended condition by intercepting a PBT.sub.--AMPRESUMESUSPEND message. A similar process may be used for ring zero drivers, except the intercepted messages are PWR.sub.--SUSPENDREQUEST and PWR.sub.--RESUMESUSPEND.

(Dunstan, Column 8, Lines 61-64) (emphasis added)

Additionally, Dunstan discloses storing readings of the time in a non-volatile memory.

More specifically, Dunstan discloses

Nonvolatile store 7 may be any "permanent" data store, meaning it maintains its integrity even when host 1 is powered off. Examples of suitable data stores include a hard disk, an EEPROM, and a battery backed-up CMOS RAM. Real-time clocks and non-volatile stores of this type are well-known in the art, and thus are not described in detail herein.

(Dunstan, Column 5, Lines 21-28) (emphasis added)

Thus, Dunstan, in contrast, discloses reading a time of exiting after the electronic device exits the period of reduced-power operation, which means after an interrupt routine has started

and does not disclose, teach, or suggest reading a time of exiting a reduced power consumption state prior to an execution of an interrupt routine, as claimed by Applicant. Additionally, Dunstan merely discloses storing the time of exiting the suspended mode in a non-volatile memory and does not disclose, teach, or suggest storing the time of exiting the reduced power consumption state in a register, as claimed by Applicant.

It is respectfully submitted that Dunstan does not disclose, teach, or suggest modifying the device to store the data in a register of the chip. It would be impermissible hindsight, based on Applicant's own disclosure, to make such modification on Dunstan's device.

Furthermore, even if Dunstan's device were modified, as the Examiner suggested, to store data using chips, such modification would lack the limitations of claim 1 of reading a time of exiting a reduced power consumption state prior to an execution of an interrupt routine; storing the time of exiting the reduced power consumption state in a register; and calculating a reduced power consumption state duration based on the time of exiting the reduced power consumption state stored in the register.

Therefore, Applicant respectfully submits that claim 1 is not obvious under 35 U.S.C. §103(a) over Dunstan.

Given that claims 2, 3, and 5 depend on claim 1 and add additional limitations, Applicant respectfully submits that claims 2, 3, and 5 are likewise not obvious under 35 U.S.C. §103(a) over Dunstan.

Because independent claims 48, 54, and 56 contain at least one of the limitations discussed above with respect to claim 1, Applicant respectfully submits that claims 48, 54, and 56 are likewise not obvious under 35 U.S.C. § 103 (a) over Dunstan.

Given that claims 49-53, 55, and 57-60 depend on respective independent claims 48, 54, and 56 and add additional limitations, Applicant respectfully submits that claims 49-53, 55, and 57-60 are likewise not obvious under 35 U.S.C. §103(a) over Dunstan.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 3/3/05 By: MM  
Michael J. Mallie  
Reg. No. 36,591

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300